

COMMENT LETTER

RESPONSES

California Regional Water Quality Control Board
Colorado River Basin Region

Winston H. Hickox
Secretary for

Environmental
Protection
September 25, 2000

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Attn: Jayne Harkins Regional Director, Lower Colorado Region Bureau of Reclamation P.O. Box 61470 Boulder City, NV 89006-1470

RE: "COLORADO RIVER INTERIM SURPLUS CRITERIA DRAFT ENVIRONMENTAL IMPACT STATEMENT"

On July 31, 2000, the California Regional Water Quality Control Board - Colorado River Basin (Region 7) received a document entitled "Colorado River Interim Surplus Criteria Draft Environmental Impact Statement" (EIS), dated July 2000, State Clearing House Number 2000074010. The Department of Interior, Bureau of Reclamation (Bureau) developed and submitted the EIS, which presents a proposed federal action to adopt interim surplus water criteria for the Lower Colorado River Basin. Surplus water conditions are defined in the EIS as the presence of conditions within the Colorado River reservoirs that would allow the Bureau to supply the Lower Basin States (Arizona, California, and Nevada) with a quantity of water in excess of the "Law of the River" annual apportionment (2.8 million acre feet (maf), 4.4 maf, and 0.3 maf, respectively, totaling 7.5 maf). The EIS presents five alternative interim surplus water criteria for Colorado River Basin reservoirs and an environmental analysis of each alternative. The five alternatives, which are being considered for adoption by the federal government, are: (1) No Action, (2) Flood Control, (3) Six States, (4) California, and (5) Shortage Protection. The adopted criteria will be incorporated into the "Criteria for Coordinated Long-Range Operation of the Colorado River Reservoirs Pursuant to the Colorado River Basin Project Act of September 30, 1968" (Long-Range Operating Criteria (LROC)), will be used in the development of the "Annual Operating Plan" (AOP), and will be in effect through the year 2015. The predicted benefits of the proposed action are to assist the Secretary of the Department of Interior (Secretary) with decisions regarding apportionment of water within the Lower Basin States, provide an increased level of predictability of surplus conditions and quantity of available water on an annual basis, and assist with efforts to reduce California's diversion of Colorado River water to 4.4 million acre feet per year. A preferred alternative is to be selected in the future.

Region 7 appreciates the opportunity to provide comments on this proposed action and congratulates the Bureau on their efforts analyzing the environmental impacts of the five alternatives. However, the EIS inadequately addresses the affected area and water quality impacts. There are several issues that need to be considered which may assist with the comparative analyses of the proposed alternatives and the criteria selection process.

1 The proposed affected area, as defined in the EIS, is the "Colorado River corridor as defined by the 100-year flood plain and reservoir maximum water surface elevations". Such a limited area addresses only a fraction of the region that may be impacted by the proposed action and is dependent on diversions of Colorado River water for various purposes. Such an approach precludes a thorough and comprehensive assessment of the proposed alternatives. **The proposed affected area should be expanded to include the entire region within the Lower Division States that are dependent on the Colorado River as a water supply.**

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1: Off-river effects of storage and use of surplus water have been or are being addressed in existing or ongoing NEPA and/or CEQA/CESA compliance documents as appropriate. These activities are authorized by state actions, and include the Quantification Settlement Agreement PEIR, Secretarial Implementation Agreement EA, IID/SDCWA Transfer EIS/EIR, and the San Diego County HCP. The federal government does not have jurisdiction over groundwater aquifers, recharge sites or other off-stream storage sites within the states.

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2 Regarding potential water quality impacts, the Bureau assess two issues in the EIS: salinity of the Colorado River water and the water quality and contaminant concentrations in the vicinity of the Southern Nevada Water Authority intake locations on Saddle Island in Lake Mead. Once the affected area is expanded, as recommended above, additional potential water quality issues also will need to be addressed. Particular issues of concern within this Regional Board boundaries are water quality impacts of groundwater and surface waters that can be caused by a reduction of freshwater flows into the Region. The main water quality problems in this Region's surface waters (e.g., Salton Sea) are primarily associated with nonpoint source pollution (e.g., agricultural return flows). The severity of these problems, like salt concentrations in the Salton Sea and selenium concentrations in the Sea's tributaries, can be exacerbated by any reduction of freshwater inflows into the Region. Conversely, the problems can be somewhat mitigated by an increase of freshwater flows into the Sea. The EIS should address these two issues.

3 In the EIS the Bureau establishes a baseline condition, using a spill avoidance strategy referred to as 75R, at a "value for which 75 percent of the historic natural flow at Lee's Ferry is less than this value (18.1 maf)." The baseline condition is used in the EIS for modeling and comparative analyses of the alternatives, and is proposed by the Bureau since it closely resembles surplus criteria presently used by the Secretary. Such a strategy considers one hydrologic condition, however as illustrated in the EIS Figure 3.3-1 the annual Colorado River flows are highly variable, ranging from an approximate minimum of 5 maf to an approximate maximum of 24 maf. Establishing additional baseline conditions at extreme conditions, drought and excessively wet years, will provide a broader perspective of potential climatic scenarios and hydrologic conditions, and may assist in the criteria selection process.

4 Within the EIS there are several graphs comparing alternatives for the period from 2000 through 2050. Such graphs provide useful information. However, the 50-year timeframe requires the application of a large vertical scale, which precludes a comparative analysis of the alternatives, such as Figure 3.3-7. The Bureau should consider the benefits of two graphs one for the period 2000 through 2015 and one for the period from 2015 through 2050, and the application of a vertical scale that enables the comparison of the alternatives. As presented, due to the applied scale, there appears to be an insignificant difference between the alternatives on several issues, which may not be realistic. Additionally, the Bureau should consider the benefits of revising the vertical scale of the "Comparison of Colorado River Flow" graphs in Attachment L of the EIS.

If additional input is required I may be reached via email at griffb@rb7.swrcb.ca.gov or by phone at (760) 674-8142.

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2: Return flows into the Salton Sea are the subject of the Salton Sea Restoration Project EIR/EIS and specific conservation activities proposed by the Imperial Irrigation District related to the transfer of conserved water to San Diego and reduced return flows to the Salton Sea are being addressed in the forthcoming EIR/EIS. Reduction of freshwater tributary inflows into the Salton Sea is not affected by or within the scope of the federal action addressed in this EIS. Water quality of tributary inflows/return flows is regulated by the Board, California Department of Health Services, and EPA.

3: The baseline spill avoidance strategy referred to in the comment utilizes a unique flow, for which associated effects are used to determine surplus conditions. A full range of historical flows were used to evaluate the baseline. See response to Comment No. 31-8 for a discussion of flows used for evaluation in the FEIS.

4: It is useful to depict the results for the total 50 year period of analysis on a single figure to present a complete picture of what happens during the interim surplus criteria and the ensuing 35 year period. In some instances, different presentations for the two noted periods were included when such information was thought to be appropriate. Additionally, the vertical scale is varied, where needed, to focus on the results being presented.